



DT03 Rec'd /PTO 15 NOV 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: **Siebert VIAL ET AL.**

International Application No. PCT/DE2003/000054

International Filing Date: 10/JANUARY/2003

Priority Date Claimed: 15/JANUARY/2002

U.S. Serial No: 10/501,322

Filed: 13/JULY/2004

For: FILLING DEVICE COMPRISING LATERAL FILLING WINDOWS FOR A  
WRITING INSTRUMENT

<p><b>CERTIFICATE OF MAILING,</b> <b>37 C.F.R. §1.8(a)</b> I certify that this correspondence and the enclosures mentioned therein are being deposited by First Class U.S. Mail with sufficient postage on the date shown below, addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.</p> <p><i>Stephan P. Gribok</i> Stephan P. Gribok, Reg. No. 29,643 <u>11-11-2004</u> Date</p>
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**TRANSMITTAL LETTER**

MAIL STOP MISSING PARTS

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing are the following documents:

- ☒ Response to Notification of Missing Requirements;
- ☒ Assignment and Assignment Recordation Cover form;
- ☒ Please charge Deposit Account No. 04-1679 the total amount of \$170.00 to cover the fee \$130.00 for surcharge fee for late filing of verified English Translation of Application; and \$40.00 for assignment recordation;  
A duplicate of this transmittal page is attached.
- ☒ Return postcard;

Respectfully submitted,

Date:

*November 11, 2004*

*Stephan P. Gribok*

Stephan P. Gribok  
Registration No. 29,643  
DUANE MORRIS LLP.  
One Liberty Place  
Philadelphia, PA 19103-7396  
Phone No. (215-979-1283)

11/18/2004 GFREY1 00000061 0416/9 10501322

01 FC:1618 130.00 DA

Docket No: 3241-99

PHIN1261438.1

<p>The PTO did not receive the following</p> <p>document(s) <u>No Assignment</u></p> <p><u>document</u></p> <p><i>7</i></p>
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Rec'd PCT/DE 15 NOV 2004

FORM PTO-1390  
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

3241-99

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

**NOT YET KNOWN**

INTERNATIONAL APPLICATION NO.  
PCT/DE03/000054

INTERNATIONAL FILING DATE  
10/JANUARY/2003

PRIORITY DATE CLAIMED  
15/JANUARY/2002

74

TITLE OF INVENTION

**FILLING DEVICE COMPRISING LATERAL FILLING WINDOWS FOR A WRITING INSTRUMENT**

APPLICANT(S) FOR DO/EO/US  
Siegbert VIAL/Georg KEIL

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

12/06/2004  
01 FC:1615  
02 FC:1616

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Cert/Express Mail; Copy of WO 2003/059646A3 (German Text); Copy of WO 2003/059646A2 (German Text)

Copies of PCT IPEA/416;PCT/ISA/210; PCT/IB/301,304/308/332; PCT Request/ Return Postcard.

21. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO. .... \$1080.00International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$920.00International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$770.00International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$730.00International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00**ENTER APPROPRIATE BASIC FEE AMOUNT =**

## CALCULATIONS PTO USE ONLY

10/501322



\$ 920.00

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months  
from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	15 - 20 =	0	x \$18.00	\$
Independent claims	2 - 3 =	0	x \$86.00	\$ 0.0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00	\$

**TOTAL OF ABOVE CALCULATIONS =** \$ 1,050.00☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2.**SUBTOTAL =** \$ 1,050.00Processing fee of \$130.00 for furnishing the English translation later than 30 months  
from the earliest claimed priority date (37 CFR 1.492(f)).

\$

**TOTAL NATIONAL FEE =** \$ 1,050.00Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

**TOTAL FEES ENCLOSED =** \$ 1,050.00Amount to be  
refunded:

\$

charged:

\$ 1,050.00

- a. ☐ A check in the amount of \$            to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 04-1679 in the amount of \$ 1,050.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 04-1679. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card  
information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a)  
or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer No. 08933

STEPHAN P. GRIBOK  
DUANE MORRIS LLP  
ONE LIBERTY PLACE  
PHILADELPHIA, PA 19103

SIGNATURE

STEPHAN P. GRIBOK

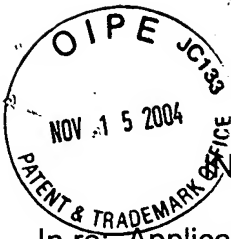
NAME

29,643

REGISTRATION NUMBER

Tel. No. 215-979-1853

Docket No. 3241-99



Rec'd OCT/PTO 15 NOV 2004

#4

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: **Siegbert VIAL ET AL.**

International Application No. PCT/DE2003/000054

International Filing Date: 10/JANUARY/2003

Priority Date Claimed: 15/JANUARY/2002

U.S. Serial No: 10/501,322

Filed: 13/JULY/2004

For: FILLING DEVICE COMPRISING LATERAL FILLING WINDOWS FOR A  
WRITING INSTRUMENT

<p><b>CERTIFICATE OF MAILING,</b> <b>37 C.F.R. §1.8(a)</b></p> <p>I certify that this correspondence and the enclosures mentioned therein are being deposited by First Class U.S. Mail with sufficient postage on the date shown below, addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.</p> <p><i>Stephan P. Gribok</i> Stephan P. Gribok, Reg. No. 29,643 <u>11-11-2004</u> Date</p>
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**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. 371**

MAIL STOP MISSING PARTS  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notification of Missing Requirements mailed on September 13, 2004, applicant submits herewith:

- (1) English translation of PCT/DE03/000054;
- (2) Signed Verification;
- (3) Surcharge fees in the amount of \$130.00 (late English translation);
- (4) Copy of Notification (371 Formalities Letter Confirmation No. 6126);
- (5) Signed Declaration.

Applicant respectfully requests that the enclosed English Translation of PCT/DE03/000054, and the signed Verification of Translation, be entered into the above-identified pending Patent Application.

Applicants submit herewith the signed and dated Declaration and Power of Attorney.

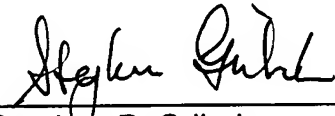
Applicants respectfully request that the enclosed, signed Declaration and Power of Attorney document, be entered into the above-identified pending Patent Application.

The surcharge fees associated with the late filing of the signed Declaration and Power of Attorney document (\$130.00), were submitted on July 13, 2004, the U.S. filing date. (a copy of the PTO-1390 is enclosed)

Please charge the surcharge fees associated with the late filing of the verified English Translation (\$130.00) to Deposit Account No. 04-1679.

Respectfully submitted,

Date: November 11, 2004

  
Stephan P. Gribok  
Registration No. 29,643  
DUANE MORRIS LLP  
One Liberty Place  
Philadelphia, PA 19103  
(215) 979-1283

Docket No: 3241-99

SE 6



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

D4695-120

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/501,322	Siegbert Vial	3241-99

INTERNATIONAL APPLICATION NO.
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PCT/DE03/00054

IA. FILING DATE	PRIORITY DATE
01/10/2003	01/15/2002

08933  
 DUANE MORRIS, LLP  
 IP DEPARTMENT  
 ONE LIBERTY PLACE  
 PHILADELPHIA, PA 19103-7396

**DOCKETED**

CONFIRMATION NO. 6126  
 371 FORMALITIES LETTER



\*OC000000013786304\*

Date Mailed: 09/13/2004

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/13/2004
- Copy of the International Search Report filed on 07/13/2004
- Copy of IPE Report filed on 07/13/2004
- Oath or Declaration filed on 07/13/2004
- Request for Immediate Examination filed on 07/13/2004
- U.S. Basic National Fees filed on 07/13/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(f)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 for English translation surcharge required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/501,322	PCT/DE03/00054	3241-99

FORM PCT/DO/EO/905 (371 Formalities Notice)



Rec'd PCT/PTO 15 NOV 2004

*[Handwritten signature]*

**PCT/DE 03/00054**

**Filed January 10, 2003**

I, government-accredited foreign language correspondent Grit Keller,  
hereby confirm:

My name and post office address are as stated below.

I am knowledgeable in the English language and in the language in  
which the above identified application was filed, and I consider to the  
best of my knowledge and belief the English translation of the above  
application as filed to be a true and complete translation.

Grit Keller

November 10, 2004

Staufenstraße 7

86972 Altenstadt

*[Handwritten signature of Grit Keller]*